

# Office Memorandum • UNITED STATES GOVERNMENT

TO : General Counsel  
THRU : Comptroller *EAJ*  
FROM : Assistant Chief, Fiscal Division

DATE: 28 May 1952

SUBJECT: Requests for Military Leave      OGC HAS REVIEWED.

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1. Reference is made to Agency Regulation [ ] which provides that "Military leave for training purposes only, not to exceed 15 calendar days in any one calendar year, will be granted with pay without charge to annual leave to members of reserve components of the Armed Services of the United States", and [ ] which requires that "Two copies or extracts of the Armed Services orders will be given to the appropriate Time and Attendance Clerk to be submitted with the first Report showing military leave".

2. Under the two regulations cited there are, respectively, the function of the Personnel Director to approve requests for military leave for training purposes only and the function of this Division to require that two copies or extracts of the orders accompany the first Time and Attendance Report that shows military leave taken.

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3. As evidenced by an exchange of memorandums, copies attached, and conversations between this Division and Personnel Relations Branch (C), this Division is of the opinion that before Personnel Relations may, with propriety, approve a request for military leave, it should require a positive statement that the leave requested is for training purposes; however, Personnel Relations has decided that its policy will be "to consider all requests for military leave not in excess of 15 days to be for the purpose of training unless specifically indicated to the contrary", and has informed that its approval "should be construed to mean that we consider the provisions of Regulation [ ] to be adhered to, even though the specific words "for training purposes only" do not appear.

4. We have stated, as significant, that military leave might be requested, conceivably, by an employee for the purpose of performing active duty as distinguished from the purpose of training. Subsequent to the receipt of the memorandum of 19 May 1952 from Personnel Relations, we have also stated that if, after the request for military leave had been approved as such and upon our receipt of the orders it was ascertained that the leave was not for training purposes, we would have no alternative but to charge the absence against the employee's annual leave balance

and if he had no leave accrued, to put him on leave without pay. Such a result, it was pointed out, might prove embarrassing to Personnel Relations and be a source for complaint by the employee which could implicate this Division also, with or without justification.

5. Our opinions and interest in the subject have not proven to be convincing to Personnel Relations and we seem to have reached only an impasse in resolving it. Your early consideration of this matter and the furnishing of comments with respect thereto will be appreciated.

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Enclosures:

Memo 5/2/52  
" 5/14/52  
" 5/19/52

DWC:hw

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